**Sample**

**Plan Transfer Acknowledgement Letter for Volunteers**

Date \_\_\_\_\_\_\_\_\_\_\_

Operator Name

Farm Name (*if used in NMP*)

Operator address

Operator address

Dear Mr. / Mrs. / Ms. \_\_\_\_\_\_\_, *[Operator’s Name]*

The *[Name1]* County Conservation District (\_\_CCD, or District *[Name1])* received the proposed Nutrient Management Plan (NMP) Transfer request on *[Date2]* for your animal operation located at *[Address3]*. Based upon our review, the plan submission in its final form met the requirements of Pennsylvania’s Nutrient Management Act (Act 38 of 2005) regulations, and therefore **was acknowledged by the *[Name1]* Board of Directors at their** *[Date4]* **meeting***.* Your transferred NMP will expire on *[Date5]*, which is the end of the last crop year for which it was developed.

**To maintain your volunteer status** under the Act 38 as a Volunteer Animal Operation (VAO), you must implement the plan, keep plan implementation records, and update or amend your plan according to program timeframes. The limited liability provisions of the Act are afforded only to those operators that are implementing their approved plan according to schedule, and maintaining the required records.

**Nutrient Management Act Obligations:**

The following is a list of program obligations required to maintain volunteer status under Pennsylvania’s Nutrient Management Act (Act 38) Program:

1. Fully implement and follow all provisions of your approved Nutrient Management Plan. Operate and maintain all existing BMPs on your operation in order to protect water quality. Apply manure and other nutrient sources in accordance with the specific applications rates, timing and methods described in your approved NMP. If you wish to deviate from the provisions approved in your plan, you must contact you certified planner and our office prior to the action.
2. With the assistance of a Pennsylvania Certified Nutrient Management Specialist you must:
   1. Amend your plan whenever there is a significant change in the management of nutrients on the farm. Those significant changes that would require a plan amendment are any of the following:
      1. A net increase in Animal Equivalent Units per acre (AEUs / ac) by more than 10% (either by increasing animal numbers, loss of acres, or a combination of the two);
      2. A change in crop management that results in a reduction of greater than 20% in nitrogen necessary for realistic expected crop yields, or the mount the crop will utilize within one crop year;
      3. A change in excess manure utilization arrangements as described in the approved plan;
         1. No amendment is required to address the loss of an importer if the loss does not impair the operator’s ability to properly manage the manure generated on the operation.
         2. No amendment is required to address the addition of a new importer if the operator submits the nutrient balance sheet and signed agreement required by this subchapter to the delegated conservation district overseeing the exporting farm, prior to transport. The district shall verify the adequacy of the documentation update the plan file with the new documentation and require formal approval of the new importer through a plan amendment when the plan is subject to the triennial review under § 83.362(c) (relating to plan implementation).
      4. If calculations in the plan as originally submitted are in error, or if figures used in the plan are inconsistent with the requirements of this subchapter, and adequate justification has not been given in writing for the inconsistency;
      5. If a BMP different than that called for in the approved plan, is proposed to address a manure management or stormwater management concern;
      6. If, after the first 3 years of implementing the plan, actual yields are less than 80% of the expected crop yields used in the development of the plan.
      7. If alternative organic nutrient sources will replace or augment nutrient sources described in the plan.
      8. If additional lands are brought into the operation through purchase, lease or renting.
      9. If there is a change in the manure management system that is expected to result in a different nutrient content that requires a change in manure application rates under § 83.293 (relating to determination of nutrient application rates).
      10. If a change in manure application is necessary based on the reevaluation of potential phosphorus loss as part of the triennial review under § 83.362(c) (relating to plan implementation).
   2. Update your plan to address operational or computational (minor) changes other than those described above (a, i-x). Examples of minor changes would be changing crops in a field different from those listed in your current plan, or adding new importers to your plan.
   3. Both three-year, and annual plan submissions (either Amendments or Updates) must be submitted to the *[Name1]* prior to the beginning of the next crop year (October 1ST) of the upcoming crop year for which they are planned.
3. Maintain accurate records (as outlined in the “Nutrient Management Plan Agreement & Responsibilities” page of your approved plan) including:
   1. Land application of fertilizer, manure and other nutrients on *your* operation,
      1. Including the location and number of acres of application, date of application, and rate of application for each field or crop group
   2. Crop yields representing all fields on the operation,
   3. Soil tests every three years representing all fields on the operation,
   4. Annual manure analysis reports,
   5. Manure production records,
   6. The number of animals on pasture (if any) as well as number of days on pasture and hours per day, ***[List needs to the specific to the NMP operation. Delete items that do not puritan to the operation]***

You do not need to submit these records to the Commission or *[Name1],* but they must be retained on the operation and be available upon request by the Commission or Conservation District.Several sample record keeping forms have been included with this mailing. You do not need to use these sample forms, but you *are required* to keep the records listed above. The included forms are provided to help you keep those required records.

1. Implement or install all proposed Best Management Practices (BMPs) listed in your approved Nutrient Management Plan in accordance with their implementation date listed in the plan. The BMPs, and their proposed implementation dates (as listed on page #\_\_\_\_\_\_ of your plan) are:
   1. ***BMP name, location, and implementation timeframe [BMP6]***;
   2. ***[repeat for each BMP]…***

Prior to building any BMP, you will need to obtain a design for the practice. The practice design will need to conform to the standards in the Pennsylvania Technical Guide. For Nutrient Management Plans that include liquid or semi-solid manure storages, the design for the storage must be developed by a Professional Engineer licensed to work in Pennsylvania. **At least two weeks prior to beginning construction on the new manure storage, you will need to have your engineer submit to our office, written verification indicating that the storage has been designed according to the appropriate standards and that it is in conformance with the setback requirements.**  Also at that time, the engineer will need to submit a copy the quality assurance plan outlining when, and by whom, the construction job will be inspected for conformance with the design standards. ***[Manure storage language is only needed for plans proposing to install a new manure storage structure]***

If you need any assistance with the installation of these proposed BMPs, please feel free to call our office and we will attempt to help you with these practices. If you will not be implementing the practices (as originally proposed above) you are required to inform your nutrient management planner so your plan can be revised to reflect this change.

***[Delete this entire item 4 if there are no new BMPs proposed in the approved plan.]***

1. Maintain accurate manure export records of manure being *exported off* of your operation. **Manure Export Sheets** must be completed every time manure is exported from your site. A copy of a blank Manure Export Sheet is included in this mailing. A completed Manure Export Sheet representing each manure export event, kept on file at your operation (with a copy provided to the importer), satisfies your continual record keeping requirements for exported manure. The Manure Export Summary sheet is an optional form that you may find useful when manure is frequently exported to the same importer within the same crop year.
2. Provide Exported Manure Information Packet. During the initial implementation of your plan, when transferring manure to a given importer for the first time, you will need to provide a copy of the **Exported Manure Information** **Packet** to the importer. This export packet (enclosed) includes a copy of:
   1. A blank *Manure Export Sheet;*
   2. A copy of PA Department of Environmental Protection’s *“Land Application of Manure: Manure Management Plan Guidance” (*a supplement to DEP’s Manure Management Manual);
   3. A copy of Penn State factsheet “*Agronomy Facts 60-Nutrient Management Planning: An Overview”*.

You only need to provide this information packet to each importer once through the life of your operation. If you need additional Manure Export Packets, please contact *[Name1]*. ***[Delete this paragraph for farms not exporting manure, or for those farms exporting for reasons other than for Ag land application.]***

1. Participate in onsite Status Reviews. Nutrient management program staff from the Commission, or *[Name1]*, are obligated to inspect your VAO farm at least every three years to assess plan implementation and record keeping. This is completed through onsite **Status Reviews**. Staff will call ahead to try to accommodate your schedule. Please call *[Name1]* if you have any questions relating to the implementation of your plan.
2. Perform Triennial Reviews - At least triennially, your plan, records, and status of your operation’s compliance will need to be reviewed by a certified NM specialist to determine whether a plan amendment is required. A reevaluation of your Phosphorus Index will be part of this **triennial review**. You will need to have a triennial review completed on your plan at least by *[Date7].*

In conclusion, in order for you to maintain your volunteer status under Act 38, and the limited liability protection afforded to you by the Act, you must follow all the provisions (including record keeping) of your approved Act 38 NMP.

**Thank you for your participation in Pennsylvania’s Nutrient Management Act program.** Your participation in this program also satisfies your Pennsylvania manure management planning obligations under Chapter 91 of PA’s Clean Streams Law. If you have any questions, please feel free to call me at \_\_\_ - \_\_\_\_\_\_\_\_\_ *[phone number].*

Sincerely,

John Doe *[Name8]*

*[Name1]*

Title

Enclosures:

Sample record keeping forms

Exported Manure Information Packet

cc: Author of plan Transfer Request (NMP writer that asked for the transfer)

DEP if Operation is a CAFO

*Name1 = Your conservation district name, first written out, then abbreviated thereafter (ex. Adams County Conservation District (ACCD))*

*Date2= Date plan transfer request was received by the CD*

*Address3 = Site address (minus the state and zip code)*

*Date4 = Date your BOD acknowledged the plan transfer*

*Date5 = Date plan will expire (most likely September 30 of the last crop year planned)*

*BMP6= list BMP name, location, and implementation timeframe as they are appear in the plan*

*Date7=This date will either be the same as Date5 (for 3-year plans) or within 3 years of plan approval (for 1-year plans)*

*Name8= Preferably this would be the reviewer of record. However, it could also be a district manager, or board chairman.*

*\*Make sure to include enclosures*